

**Enforcement & Resource Protection Committee  
Regular Meeting  
October 24, 2007 – 3:00 p.m.  
Tribal Office Board Room**

**1. Call to Order & Roll Call-**

Committee Chairman Gary Besaw called the meeting to order at 3:03 p.m. Those present: Gary Besaw, Karen Washinawatok, Gary Schuettpelz, Barb Nelson, Lynette Miller, Toni Caldwell and Warren Warrington (for Mark Waukau). Those absent (excused): Robert Summers, Walter Cox and William Williams. Also present: Jeremy Johnson, William Beauprey, Frank McLellan, Wayne Wilber and Allen Washinawatok.

**2. Moment of Silence-**A moment of silence was observed.

**3. Approval of Minutes Dated September 26, 2007-**

Motion made by Lynette Miller to approve the minutes of September 26, 2007. Motion was seconded by Karen Washinawatok. All those in favor of the motion signify by saying aye, 5-for, 0-opposed, 4-absent. Motion carried.

**4. Gypsy Moth Control/Jeremy Johnson-**

Jeremy Johnson from Environmental Services was present and informed the committee that he has been in charge of the Gypsy Moth Aerial Treatment on the Reservation since they started the treatment in 2002. The aerial treatment has taken place in 2002, 2003 and 2004 and now the moths are becoming a nuisance again in the Legend Lake area as well as the LaMotte Lake area.

Jeremy is requesting permission to treat 564 acres. The treatment would be spraying NPV (Gypchek) which is a naturally occurring virus that is Gypsy Moth specific and will not hurt any other plant or wildlife.

**Toni Caldwell arrived at 3:15 p.m.**

The treatment will take place in late May 2008.

Chairman Besaw stated that the treatment should be approved because the moths are invasive and will just keep getting worse. Chairman Besaw wanted to know how Jeremy plans to tell the public about the treatment. Jeremy stated that each lot leaser/owner will be sent information on how and when the treatment will take place. Any person can reject the treatment on their property as long as they put it in writing.

**Motion made by Gary Schuettepelz to approve the 2008 treatment of the Gypsy Moth in the area outlined in the documents in accordance with the Tribe's pesticide protocol. Motion was seconded by Lynette Miller. All those in favor of the motion signify by saying aye, 6-for, -0-opposed, 3-absent. Motion carried.**

**Committee members wanted to note for the record that even though there was a motion made to approve the Gypsy Moth treatment, there is NO dollar amount attached to the motion and told Jeremy Johnson that if funding is needed from the Tribe he would have to come back to the committee and request it.**

**5. Cigarette Tax Ordinance 79-04/Discussion & Recommendations-**

Toni Caldwell asked that the ordinance be placed on the agenda because there are no penalties included for those who do not pay. The Tax Commissioner pays for the cigarettes & products up front and some people aren't paying on time.

Tax Commissioner Wayne Wilber was present and stated that the state is proposing a \$1.00 per pack cigarette tax and changes will need to be made to the ordinance incorporating that change. When those changes are made committee members would like the penalties added into the ordinance. Bill Kussel will work on a draft to amend the ordinance and bring it back to the committee when it is completed.

**6, Brownsfield Update-**

Frank McLellan from Environmental Services was present and gave the committee a brief update. Frank informed the committee that Northern Environmental Technologies, Incorporated assisted the Tribe in determining if contamination from the former Boivin property (in Neopit-the old Boivin's Store) leaving underground storage tank affected wild rice beds located in the West Branch of the Wolf River downstream from the Boivin site.

The Neopit rice bed is approximately 4 acres. Since s so many tribal members harvest the wild rice, the Tribe was concerned that the beds may be contaminated from the Boivin site.

There was lead found to be in the rice beds but the level is not high enough to be harmful. Frank stated that he will be working on getting permission to test the area again next year as well as testing some fish to make sure the lead levels are not raising.

No action needed to be taken. Frank just wanted to let the committee know that lead was found in the rice beds and that Environmental Services is keeping an eye on it. If the levels should become harmful it will be posted to let the public know.

7. **Former Boivin Property: UST Site Clean-Up/Frank McLellan-**  
Frank informed the committee that they took samples yesterday and the same well is dirty. The DNR met with their attorney and tomorrow they have a conference call with the head of the underground storage tank unit with the EPA and they are probably going to request a meeting with different tribal entities as well as the BIA. Frank gets the impression that the issue will be turned over to the EPA to stay away from jurisdictional issues between the State, Tribe and County.

Frank will keep the committee updated at future meetings.

8. **Ground Water Regulations/Discussion and Recommendations-**  
The committee was sent a packet with missing pages and decided they cannot discuss the issue until they have all the materials.

**Motion made by Barb Nelson to table until the next meeting and that the committee be sent a new packet. Motion was seconded by Toni Caldwell. All those in favor of the motion signify by saying aye, 6-for, 0-opposed, 3-absent. Motion carried.**

9. **Probation and Parole Ordinance 94-01/Review & Recommendations-**  
Language changes need to be made by Bill and a clean copy sent back to the committee. Bill Kussel will work with William Beauprey and bring the recommendations back.

**Motion made by Karen Washinawatok to table. Motion was seconded by Barb Nelson. All those in favor of the motion signify by saying aye, 6-for, 0-opposed, 3-absent. Motion carried**

10. **Draft Peddlers Ordinance-**  
Committee went into a lengthy discussion regarding the ordinance. Chairman Besaw stated that the committee drafted an ordinance before and the Legislature voted it down.

The main reason the committee would like the ordinance is to find out who the Ice Cream Salesmen are and anyone else that goes around the reservation selling items. Many communities have a licensing system and they do background checks on the people selling items and the main reason for doing it, is if a child would go missing or something would happen they would have that person's information. Right now there is nothing.

Warren Warrington stated that there could be a way to set it up and will work with Bill Kussel on developing a draft.

**11. Ankle Bracelets/Discussion and Recommendations-**

Dave Rogers, CEO Small Eagle Electronic Home Confinement was present to go over his home confinement system with the committee. Small Eagle is an Indian Owned Tribal System and Dave Rogers is from the Nez Perce Tribe.

Dave stated that many of the Tribes in the country need the home confinement systems because there is so much over crowding in their jails and because many tribes do not have juvenile holding facilities.

**Lynette Miller was excused at 4:30 p.m.**

The committee liked the idea of the home confinement systems. There could possible be a joint venture with the County on purchasing the units. Committee will discuss the issue at future meetings.

**Karen Washinawatok was excused at 4:37 p.m.**

**12. Review monthly Reports-**

No discussion, no action taken.

**13. Other Business-**

No discussion, no action taken.

**14. Adjournment-**

**Before Chairman Besaw could ask for a motion to adjourn most of the committee members left and there was no longer a quorum. The meeting ended at 4:45 p.m.**

Respectfully Submitted by

Georgianna Delabruce

Recorder/Transcriber